

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
BRIEF &  
APPENDIX**





77-1187

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X  
UNITED STATES OF AMERICA,

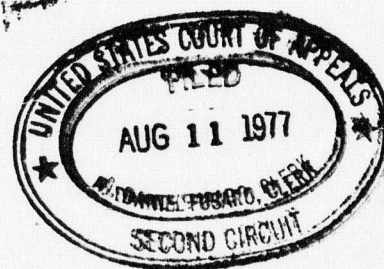
Plaintiff-Appellee,

v.

CHARLES BASAMAN,

Defendant-Appellant.  
-----X

\_\_\_\_\_  
BRIEF AND APPENDIX  
\_\_\_\_\_



Charles C. Basaman  
pro se

# Affidavit

8/11

77-1187

Second Circuit Court of Appeals  
U. S. Courthouse, N.Y., N.Y.

I, Charles C. Basaman, the petitioner, Pro Se, do hereby state and affirm that I am the Plaintiff, herein undersigned, and that I submit this position and rely on it, due to some extenuating conditions, beyond my control, somewhat out of the normal type of submission, it being in addition to a number of papers and documents already submitted in conjunction with this "Motion to Vacate"; 76 Cr 974 (LFM) of March 21, 1977.

We further state and affirm a copy of this Affidavit and Submission has been served on the Respondent, at the United States Attorney's Office of R. Fiske Jr., at the U.S. Courthouse, S.D. of N.Y. by the U.S. Postal Service from the M.C. Jail, Elizabeth, N.J. on the 13th Day of July, 1977.

Charles C. Basaman

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Nov. 1, 1979

Sworn to

on this

13th Day of July, 1977

Charles C. Basaman  
Charles C. Basaman



U.S. Court of Appeals  
For the Second Circuit  
Docket No. 77-1187

Charles C. Basaman, pro Se  
Plaintiff - Petitioner  
V.

United States Government  
U.S. Attorney R. Fiske Jr., S.D., N.Y.  
Respondent - Defendant

This a petition for a "Motion  
to Vacate" the sentence  
imposed on the petitioner Charles  
C. Basaman, by the Honorable  
Floyd R. MacMahon, Judge, U.S.  
D.C., S.D. of N.Y., on March  
21, 1977 following a trial -  
"Without Jury" on the days  
of March 17<sup>th</sup> and March 18<sup>th</sup>  
1977 at the United States  
Courthouse, District Court  
for the United States  
Southern District of New  
York.

The petitioner was found  
"Guilty" for allegations of One  
Court of violation of Section  
1705: Title 18 U.S.C and TWO  
Courts of violation of Section  
1706: Title 18 U.S.C., and the  
defendant-petitioner was sen-

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tenced to a term of imprisonment of TWO YEARS, on each count; to run concurrently.

The petitioner now states and deposes: References —

① That the Trial was conducted, in violation of the defendant's Constitutional Right of Representation (effective);

② The Judge (MacMahon) committed a "reversible error" by "refusing" the petitioner the "Right of Self-Representation" a request which was Both "Timely" and "Repeated", knowingly and without reservation;

③ The petitioner-defendant was found "Guilty" as to the above allegations; without the Prosecution being "Required" to prove, without any reasonable "Doubt" each element of the Charge;

④ The petitioner-defendant was KEPT in Unlawful Custody, without the right to "Bail" on the "PERJURED" Report of the Total "effortless" ability of the Public Defender, the petitioner was "SADDLED" with; despite numerous and irrevocable communications and affidavits;



III

(5) The "alleged" Counsel made a motion, despite "SPECIFIC" objections by the defendant, for a Mental-~~Psychiatric~~ Study, "urging" the petitioner to "PLEAD INSANITY" as a way to "get away with the crime".

(6) The alleged "Counsel" further in a "Conspired Move" with the U.S. Ass't. Attorney "COMPELLED" the petitioner to be SUBJUGATED to a SECOND examination; despite the petitioner's most vigorous objections.

(7) Again for a "THIRD" time the "alleged" Counsel and the U.S. Ass't. Atty conspired and prevailed upon Judge MacMahon, without "my" request to have the petitioner sent to the U.S. Medical Ctr., at Springfield, Mo., pursuant to 4246 Title 18;

(8) The above (7) was made on the morning of ~~January~~ <sup>JAN.</sup> 7, 1977; "without" the required HEARING; and the Defendant-Petitioner was brought back to Court in the afternoon of ~~March~~ <sup>JAN.</sup> 7, 1977, wherein the "ALLEGED" HEARING was held;

(9) The petitioner was

IV

SUBJECTED TO "50" TORTUOUSLY  
HERRENDOUS DAYS AT the U.S.  
Medical Center; which required  
PRO SE COURT PROCEEDINGS  
at the U.S. District Court  
of Western Missouri; which  
"TOTALLY" confirmed the  
petitioners "UNLAWFUL" re-  
manding to the Medical  
Center.

(9) After his "Return"  
the Petitioner was further  
"DEPRAVED" of his Constitu-  
tional and Civil Rights by:

(A) Being deprived of his  
required medication (court-  
ordered) for SIX TORTUOUS  
DAYS, as the petitioner is  
a victim of TERNAL CAN-  
CER, ULCERATIVE COLITIS,  
MYOSITIS AND now -  
ARTRITIS;

(B) Was KEPT in illegal  
detention, without the  
required and needed med-  
ication;

(C) Was beaten, injured  
and again put into UN-  
LAWFUL SEGREGATION,  
after an "ATTACK" by  
a RIOT-TRAINED "GON"  
SQUAD, while waiting  
to make an authorized  
telephone call.



V

William J. Hordges  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 6<sup>th</sup>, 1979

Sworn to

on this 13 JULY, 1977

Charles C. Basaman

Charles C. Basaman

(D) Was compelled to STAND TRIAL on March 17 and 18, 1977 conducted by the "ALLEGED" Counsel, without being allowed to take the "STAND" as requested;  
(E) Was "SENTENCED" without "ANY PRE SENTENCE" Report; despite the PROSECUTOR NOTING TO THE COURT'S ATTENTION the petitioner's "FBI" "RAP Sheet" which had NO CONVICTION since 1960 and references to an "FBI" report which was on the "Inactive" list since 1975 and;  
(F) Was denied the Privilege of Rule 43 of Title 18 U.S.C. and  
(G) Had all the petitions and motions dismissed "OUT OF HAND" by Judge MacMahon, and was Denied Post-Conviction Bail Relief pursuant to Section 3148, Title 18 U.S.C.

Charles C. Basaman  
Pro - Charles C. Basaman

2ND. CIRCUIT COURT  
OF APPEALS DOCKET # 77-1187  
References

① Moore V Michigan (1957) 355 U.S. 155, 2 L. Ed. 2d 167, 78 S.Ct. 791; Which held a defendant may waive his "Constitutional Right" to assistance of Counsel;

② Maldonado V Deno (1965, CA 2, N.Y) 348 F.2d 12, Cert. den. 384 U.S. 1007, 16 L. Ed. 2d 1020, 36 S.Ct. 1950; Which held it is a "Reversible Error" to refuse a timely request by a defendant in a criminal case for Self-Representation. THE RIGHT OF A CRIMINAL DEFENDANT TO REPRESENT HIMSELF "DERIVES FROM THE FEDERAL CONSTITUTION", and is "UNQUALIFIED", if invoked prior to the trial.

③ United States V Powell, 115 U.S. App. D.C. 332, 449 F.2d 994, 997 (1971) — "EXPRESSIVELY" held that the prosecution MUST prove "Beyond" a reasonable doubt that the defendant has committed "EVERY" element of the offense;

④ The petitioner was "KEPT" in unlawful Custody from Oct. 4, 1974 and Oct. 5, 1976, following an improper "Magistrate's Court Hearing" until Oct. 28, 1976, WITHOUT AN INDICTMENT AND/OR a preliminary hearing — far in EXCESS of the "10 DAY" stipulation



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provided for in Title 18, U.S.C., Federal Rules of Criminal Procedure; despite a number of communications to the court and the Legal Aid Society receiving a copy of each protestation;

(5) The Public Defender, Roland Thau was specifically ORDERED VERBALLY and in WRITING that the defendant WAS NOT going to use insanity as a DEFENSE and he was NOT to make ANY motion for the petitioner herein, and he was repeatedly told that he WAS NOT the defendant's COUNSEL;

(6) The second request and/or motion, jointly by Roland Thau and Jane Parker is recorded in the proceedings before Judge MacMahon on Dec. 6, 1976;

(7) The "fiasco" of a Court Session and the alleged hearing in the afternoon of Jan. 7, 1977 is a matter of "requested" Court Record;

(8) SEE:

BASAMAN V CICCONE - 37-3046

CIV- WB - 8TH CIR.

BASAMAN V - CICCONE - 77-3094

CIV- WB - 8TH CIR.

III

⑨ Further, during these 50 TORTUROUS DAYS at Springfield, Mon Your petitioner was (A) Deprived of his REQUIRED MEDICATION; while under-going UNNECESSARY TESTING AND EXAMINATION for the sake of "PROFESSIONAL PROCEDURES"; (B) WAS PUT INTO UNLAWFUL SEGREGATION, without the required hearings and proof of any ~~WRONG~~ - DOING and kept IN SEGREGATION by a "DELIBERATELY CONSPIRED" KANGEROO COURT, without having the right to question his Alledged accusers; (C) Was physically ATTACKED by a "MENTAL INMATE", without provocation AND again put into SEGREGATION without any charges and/or proper Medical Attention. The INJURIES suffered by this WANTON ATTACK, while resting on his bed, in his own Room; (D) WAS denied the proper right to Access to the Courts and Counsel, Family and Community by being limited to 1 Telephone Call - EVERY 30 DAYS at the HOURS OF 4:30 PM TO 8 PM and by COLLECT CHARGES NO COURT CLERK OR LAWYER'S CLERK WOULD accept COLLECT CALLS FROM INMATES 1800 MILES



IV

Away at hours when the Courts and Lawyer's Offices were closed, and if a call was made, it was TOTALLY MONITORED, by the STAFF PERSON, who stayed in the presence of the Caller;

(10) When the prisoner returned on FRIDAY, MARCH 11, 1977, at 8:30 P.M. the DOCTORS were gone for the weekend and because of an alleged DENTAL was kept in a locked Segregation Cell.

(A) HARRIS V CHAMBERS: 537, F.2d, 203 (5th Cir 1976) HELD that there maybe a CIVIL RIGHTS VIOLATION in a Jailers Deliberate indifference to a prisoner's Medical Needs;

(B) AS "A" above

(C) BEVERLY V MORRIS, 470 F.2d, 1356 (5th Cir 1972), which held that a police chief maybe liable in Common law for not training auxiliary police adequately: The GOON SQUAD came in like a CYCONE totally indifferent to the "rights" of the PERSONS they "ATTACKED"

(D) Despite numerous "COMPLAINTS" since the arraignment, on not ONLY the RIGHT OF PRO SE representation, the

V  
petitioner, Charles C. Baseman,  
undersigned was saddled by  
a TOTALLY INEFFECTIVE and  
UNAUTHORIZED alleged Counsel  
who continued to conduct the  
trial, TOTALLY UNPREPARED and  
could not make "ONE" impres-  
sion on the Court, even the  
ONLY time he was "asked"  
to BRING to the attention of  
the Court the petitioner's  
desire to invoke his right  
under Rule 43, Title 18,  
wherein the defendant  
wantsing to be excused  
from being COMPELLED to  
remain on observe to  
Tension-Pain "production" of  
an alleged trial; and at  
the end was refused the  
RIGHT to take the stand,  
because the ALLEGED coun-  
sel, ROLAND THAU, contin-  
ued to be MR. "KNOW-IT-  
ALL, but as ineffective as  
any "MORON" within the  
use of his "BAREST" faculty,  
but ROLAND THAU was op-  
pressively and "GRIMLY" deter-  
mined that he, ROLAND THAU,  
was the counsel who was  
going to TOTALLY DISREGARD  
the rights of the Defendant;  
(E) the defendant was JUST 1 SEN.



VI

TENCED, out of hand without a Presentence Report, with a continuing reference, by the U.S. Ass't. Atty. to 'all-  
legation which had no Found-  
ation of submission during  
the ~~trial~~, wherein they would  
have been subjected to  
examination. References to  
to Defendant's "PAST RE-  
CORD" which showed that the  
LAST CONVICTION was in  
1960, wherein the Govern-  
ment violated the Title  
18 Rule of Criminal Pro-  
cedure which prohibits the  
NOTING of any Past Record  
of on 10 years, and finally  
(6) The Judge just out of HAND  
dismissed ALL of the def-  
endant's TIMELY MOTIONS  
and Documents and would  
not allow the Petitioner  
herein any "EVEN A HEARING"  
for Post-Conviction Bail-  
Relief, pursuant to Title  
18, U.S.C., SECTIONS 3146 to  
3148 and other GOVERNING  
PROCEDURES as to post-con-  
viction relief, especially BAIL,  
a CONSTITUTIONAL "RIGHT."

7-14-77

William A. Stodgore

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Aug. 6, 1979

Charles C. Basam  
Charles C. Basam Pro

July 20, 1977

Charles Basaman  
15 Elizabethtown Place  
Elizabeth, New Jersey 07207

Re: 77-1187

Dear Sir:

This will acknowledge receipt of your  
2 copies of a "Motion to Vacate" in the above-  
numbered action.

Do you wish this Court to construe  
these papers as your brief on appeal? Please  
notify this office of your wishes on this  
matter. We will retain your papers in our  
files awaiting your answer.

Sincerely,

opv

Olga Valentine  
pro se law clerk's office

8/15/77  
Served per "L" atty  
(MB)

0036





UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA

-v-

CHARLES BASAMAN

-----X United States District Court  
For the Southern District of  
New York

Case No. 76 Cr 974

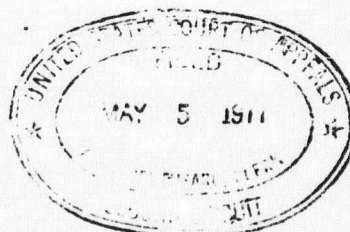
Judge MacMahon

-----X  
INDEX TO THE RECORD ON APPEAL

DOCUMENTS

**Certified Copy of Docket Entries**

|                                                                                           |     |
|-------------------------------------------------------------------------------------------|-----|
| Magistrate's Papers                                                                       | A-C |
| Certified copy of Indictment                                                              | 1   |
| Order of Judge MacMahon dtd: 11/4/76                                                      | 2   |
| Letter of defendant Basaman to Judge MacMahon<br>dtd: 11/12/76                            | 3   |
| Appearance Bond in the amt of \$10.00                                                     | 4   |
| Letter of Elizabeth Basaman to Judge MacMahon<br>dtd: 11/24/76                            | 5   |
| Remand                                                                                    | 6   |
| Magistrate's Temporary Commitment                                                         | 7   |
| Consent Order dtd: 12/8/76                                                                | 8   |
| Telegram dtd: 12/23/76                                                                    | 9   |
| Letter of Defendant to Judge MacMahon dtd: 12/27/76                                       | 10  |
| Deft's memorandum of law in opposition to commitment                                      | 11  |
| Govt's memorandum re: commitment                                                          | 12  |
| Order of Judge MacMahon dtd: 1/13/77                                                      | 13  |
| Order of Judge MacMahon dtd: 3/11/77                                                      | 14  |
| Letter of J.D.Henderson Regional Dir. Bureau of<br>Prisons to Judge MacMahon dtd: 3/16/77 | 15  |
| Waiver of Jury Trial                                                                      | 16  |
| Judgment and Commitment                                                                   | 17  |
| Letter of Dr. Ruggiero to Judge MacMahon dtd: 3/21/77                                     | 18  |
| Govt's Request to Charge                                                                  | 19  |
| Govt's proposed examination of the deft                                                   | 20  |
| Certified copy of Judgment with Marshal's Return                                          | 21  |
| Certified copy of Order dtd: 1/13/77, filed 3/25/77                                       | 22  |
| Certified copy of Order dtd: 1/13/77 filed 3/25/77                                        | 23  |
| Notice of Appeal                                                                          | 24  |
| Transcript record of proceedings dtd: 3/17,18,19,/77                                      | 25  |
| Clerk's Certificate                                                                       | 26  |
|                                                                                           | 27  |



77-1187



## CRIMINAL DOCKET - U.S. District Court

TY OFFENSE PD ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OR OFFENSE MO ☐ 0208 01 0834 vs. **BASAMAN, CHARLES**  
 SDEMEANOR Mis ☐ Disp./Sentence  
 FELONY Fel ☒ District Office (LAST, FIRST, MIDDLE)

Case Filed  
Mo. Day

10/20

No. of Del's

\*01

76 0974 01

Yr. Docket No. Del

U.S. MAG. CASE NO. 76-1109

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied Set ☐ Pers. Recog.

\$ 000 conditions

Date ☐ 10% Deposit  
☐ Surety Bond

☐ Bail Not Made ☐ Collateral  
☐ Status Changed (See Docket) ☐ 3rd Ptry Cust ☐ Other

SENTENCE

Disposition of Charges  
 3-17-77

☒ Convicted ☐ On All Charges  
☐ Acquitted ☐ On Lesser Offenses

☐ Dismissed ☐ WOP: ☐ WP  
☐ On Government Motion

U.S. TITLE/SECTION

18:1705

18:1708

OFFENSES CHARGED

Breaking into Mailbox  
 Possession of Stolen Mail

ORIGINAL COUNTS

1

2&amp;3

3/31

SUPERSEDING COUNTS

## II. KEY DATES &amp; INTERVALS

ARREST or

INDICTMENT ☒ARRAIGNMENT ☒

TRIAL

U.S. Custody Began

\* 9/24/76

High Risk Date

10-20-76

Information ☐Indict. Waived ☐Superseding ☐Indict/Info ☐

In Charging District

1st Plea

10-28-76

Final Plea

Trial Set For

Vour Dire ☐

Trial Began

3-17-77

Trial Ended

3-18-77

## MAGISTRATE

INITIAL/NO.

HJR-08AD

OUTCOME:

☐ DISMISSED  
☐ HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT

☐ HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:

Search Warrant

Issued

Return

Summons

Issued

Served

Arrest Warrant Issued

COMPLAINT

OFFENSE (In Complaint)

9/25/76

HJR-08AD

INITIAL APPEARANCE DATE 9/25/76

PRELIMINARY EXAMINATION OR

REMOVAL HEARING

Date Scheduled 10/15/76

Date Held

Tape Number

☐ WAIVED ☒ NOT WAIVED

☒ INTERVENING INDICTMENT

18 USC 1708 - POSSESSION OF STOLEN MAIL

ATTORNEYS

Defense ☐ CJA ☐ Ret. ☐ Waived ☐ Self ☐ None / Other ☐ PD ☐ CD

U.S. Attorney or Asst.

Jane Parver  
 791-1916

\* Show last names and suffix numbers of other defendants on same indictment/information.

DATE

(DOCUMENT NO.)

PROCEEDINGS

9/25/76 Complaint filed, Legal Aid assigned. Defendant released on his own recognizance.

10/20/76 Indictment filed, 76 Cr. 974.....Gagliardi, J.

10-28-76 Deft. (atty. Roland Thau not present). Court directs a not guilty plea be entered. Deft's. bail is reduced from \$2,000 as fixed by Magistrate to Ten Dollars (\$10). The Court further orders that the deft. is to be released on his own recognizance at such time that any and all detainers which have been lodged against him by the City and/or State of New York be nullified. Bail limits to include the State of New Jersey. Case assigned to MacMahon, J. for all purposes. Deft. continued remanded in lieu of meeting bail (ROR) provisions.....Gagliardi, J.

Filed ORDER that GERSTON GOLDIN, M.D. a qualified psychiatrist, examination the deft. to determine mental competency to understand charge against him. Ba ordered.... MAC MAHON.(m/n)

CONTINUED ON PAGE 2

WHEN THE APPLICABLE DOCKET ENTRIES SHOW IN SECTION V, ANY OCCURRENCE OF EXCLUDABLE DELAY PER 18 USC § 3161(h)

| IV. PROCEEDINGS (continued) |                                                                                                                                                                                                                                               | PAGE TWO        |                               | V. EXCLUDABLE DELAY    |             |              |  |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------|------------------------|-------------|--------------|--|
| DATE                        | (DOCUMENT NO.)                                                                                                                                                                                                                                | Interval<br>(a) | Start Date<br>End Date<br>(b) | Ex-<br>cludable<br>(c) | Code<br>(d) | Total<br>(e) |  |
| 11-12-76                    | Filed Deft's letter of 11/4/76, with endorsement. Contents Noted, So ordered (LFM).                                                                                                                                                           |                 |                               |                        |             |              |  |
| 11-17-76                    | Rec'd in Mag. Office, letter from the deft. dated 10-15-76.                                                                                                                                                                                   |                 |                               |                        |             |              |  |
| 11-21-76                    | Filed Letter to the Judge from the deft. Contents noted.                                                                                                                                                                                      |                 |                               |                        |             |              |  |
| 11-29-76                    | Filed remand dated 10-28-76                                                                                                                                                                                                                   |                 |                               |                        |             |              |  |
| 12-2-76                     | Filed KMAGISTRATE's TEMPORARY COMMITMENT dated 10-5-76.                                                                                                                                                                                       |                 |                               |                        |             |              |  |
| 11-22-76                    | Filed APPEARANCE BOND in the sum of \$10.00                                                                                                                                                                                                   |                 |                               |                        |             |              |  |
| 12-3-76                     | B/W ordered...MacMahon, J.                                                                                                                                                                                                                    |                 |                               |                        |             |              |  |
| 12-3-76                     | B/W issued.                                                                                                                                                                                                                                   |                 |                               |                        |             |              |  |
| 12-3-76                     | B/W Iss.                                                                                                                                                                                                                                      | 3               | 12-3                          |                        | M           |              |  |
| 12-8-76                     | Filed CONSENT ORDER stating that Stanley Portnow, M.D. - a qualified psychiatrist observe and examine the deft. So ordered MAC MAHON, J. m/n.                                                                                                 |                 |                               |                        |             |              |  |
| 12-23-76                    | Filed Telegram from deft. Contents noted. So ordered LFM.                                                                                                                                                                                     |                 |                               |                        |             |              |  |
| 12-27-76                    | Filed Letter from deft. contents noted. So ordered. LFM.                                                                                                                                                                                      |                 |                               |                        |             |              |  |
| 1-3-77                      | Deft present ( atty pres) Judge declares deft incompetant to stand trial. .... MAC MAHON, J.                                                                                                                                                  |                 |                               |                        |             |              |  |
| 1-6-77                      | Filed Deft's MEMORANDUM OF LAW in opposition to commitment and in support of release from custody.                                                                                                                                            |                 |                               |                        |             |              |  |
| 1-11-77                     | Filed Govt's MEMORANDUM regarding Commitment.                                                                                                                                                                                                 |                 |                               |                        |             |              |  |
| 1-13-77                     | Filed ORDER - deft is committed to the custody of the Atty Gen. and is to be transported to the Medical Center for examination of mental and physical capacity to stand trial. Etc. So ordered MAC MAHON, J. M/N copy to Marshal.             | 3               | 1-13-77                       |                        | A           |              |  |
| 3-11-77                     | Filed ORDER - deft is to be transported by airplane from the Medical Center for Fed. Prisoners in Springfield, Missouri, to MCC. So ordered MAC MAHON, J. Copy to MCC.                                                                        |                 |                               |                        |             |              |  |
| 3-16-77                     | Filed LETTER to Judge Mac Mahon from J.D. Henderson, Regional Director of the Bureau of Prisons. dated 3-1-77.                                                                                                                                |                 |                               |                        |             |              |  |
| 3-18-77                     | Filed Waiver of Trial by Jury, so ordered MacMahon, J.                                                                                                                                                                                        |                 |                               |                        |             |              |  |
| 3-22-77                     | Filed GOVT'S REQUESTS TO CHARGE.                                                                                                                                                                                                              |                 |                               |                        |             |              |  |
| 3-22-77                     | Filed Govt's proposed examination of the deft as to his decision to represent himself.                                                                                                                                                        |                 |                               |                        |             |              |  |
| 3-17-77                     | Deft Pres (atty R. Thau) for trial. Deft wavier trial by jury and moves to suppress evidence. After hearing motion denied. Trial begins, So ordered MAC MAHON                                                                                 |                 |                               |                        |             |              |  |
| 3-18-77                     | Trial cont'd and concluded. Deft. found GUILTY on all Counts. Deft wavier pre-sentence report. MAC MAHON, J.                                                                                                                                  |                 |                               |                        |             |              |  |
| 3-21-77                     | Filed JUDGMENT AND COMMITMENT ORDER - The deft is hereby committed to the custody of the Atty Gen for impr for a period of TWO (2) YEARS on each of Counts 1,2 and 3 to run conc with each other. So ordered MAC MAHON, J. All copies issued. |                 |                               |                        |             |              |  |
| 3-22-77                     | Filed Letter from MCC to Judge Mac Mahon, J. dated 3-21-77.                                                                                                                                                                                   |                 |                               |                        |             |              |  |
| DATE                        | RECEIPT NUMBER                                                                                                                                                                                                                                | C.D. NUMBER     | DATE                          | RECEIPT NUMBER         | C.D. NUMBER |              |  |
|                             |                                                                                                                                                                                                                                               |                 |                               |                        |             |              |  |
|                             |                                                                                                                                                                                                                                               |                 |                               |                        |             |              |  |



CRIM

## CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF |     | DEFENDANT                                                                                                                 | DOCKET NO. _____    |
|-----------|-----|---------------------------------------------------------------------------------------------------------------------------|---------------------|
|           |     |                                                                                                                           | PAGE ____ OF ____ P |
| DATE      | NR. | PROCEEDINGS                                                                                                               |                     |
| 3-25-77   | ✓   | Filed copy of J. C. with marshal;s ret: 3-21-77.                                                                          |                     |
| 3-25-77   | ✓   | Filed copy of Order for the deft to be examine by a psychiatris<br>With return/ 3-14-77 .                                 |                     |
| 3-25-77   | ✓   | Filed copy of Order for the deft to be examine by a psychiatris<br>With return/ 1-20-77.                                  |                     |
| 3-31-77   | ✓   | Filed NOTICE OF APPEAL by deft to the USCA from the Judgment<br>ot 3-21-77. Mailed Notices to US Atty and deft's counsel. |                     |
| 1-1-5-77  |     | Filed Deft's Affidavit to proceed in Froma Pauperis.                                                                      |                     |
| 1-1-77    |     | Filed Deft's Motion for Discovery of penal recoeds and documents.                                                         |                     |
| 1-1-77    |     | Filed Affidavit and Motion for Discovery .                                                                                |                     |
| 5-5-77    |     | Filed transcript record of proceedings dtd: 3/17,18,19,/ 77                                                               |                     |

BEST COPY AVAILABLE

A TRUE COPY  
RAYMOND E. BURGHARDT, ClerkBy *[Signature]*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

CHARLES BASAMAN

CASE NO. 76 Cr 974

JUDGE MacMahon

CLERK'S CERTIFICATE

I, RAYMOND E. BERGMARDT, Clerk of the District Court of the United States for the Southern District of New York, do hereby certify that the certified copy of docket entries lettered A- C, and the original filed papers numbered 1 thru 27, and exhibits \_\_\_\_\_, inclusive, constitute the record on appeal in the above entitled proceeding; except for the following missing documents:

DATE FILED

PROCEEDINGS

4/1/77

4/1/77

4/15/77

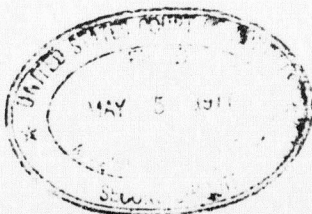
Filed deft's motion for discovery

Filed deft's affidavit and motion for discovery

Filed deft's affidavit to proceed in forma  
pauperis

IN TESTIMONY WHEREOF, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, this 4th day of May, in the year of our Lord, One thousand nine hundred and seventy seven, and of the Independence of the United States the 201st year.

*Raymond E. Bergmardt*  
Clerk of the Court





All please take  
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N. Y.,

Yours,

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DEFENDANT

CHARLES BASAMAN

DOCKET NO. 76 Cr. 974 (LFM)

# JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government  
the defendant appeared in person on this date

MONTH DAY  
March 21, 1977

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant  
have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Roland Thau

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that  
there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☒ NOT GUILTY

FINDING &  
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully, maliciously and  
knowingly breaking open a letter box used for the receipt of mail, as charged in  
Count 1, (Title 18, U.S.C., Section 1705) and unlawfully, wilfully and knowingly  
having in his possession the contents of certain letters which had been stolen,  
taken, embezzled and abstracted from and out of an authorized depository of mail  
matter, knowing the same to have been stolen, taken, embezzled and abstracted,  
as charged in Counts 2 and 3, (Title 18, U.S.C., Section 1708).

SENTENCE  
OR  
PROBATION  
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary  
was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant  
hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of  
TWO (2) YEARS on each of Counts 1, 2 and 3 to run concurrently with each other.

SPECIAL  
CONDITIONS  
OF  
PROBATION

ADDITIONAL  
CONDITIONS  
OF  
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the  
reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and  
any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke  
probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

MICROFILM

It is ordered that the Clerk deliver  
a certified copy of this judgment  
and commitment to the U.S. Mar-  
shal or other qualified officer.

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

*Stacy F. Mac...* 18

BEST COPY AVAILABLE

Date 3-21-77

